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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MARCIA A. WILLIAMS,

Plaintiff,

-against-

COSTCO WHOLESALE CORPORATION,

Defendant.
-----X

Civil Action No.:
1:17-cv-2241

**[formerly Supreme Court of
the State of New York,
County of Kings – Index
No. 501131/2017]**

Defendant Costco Wholesale Corporation hereby removes Index Number 501131/2017 from Supreme Court of the State of New York, County of Kings, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and as grounds for its removal states as follows:

1. On January 19, 2017, Plaintiff Marcia A. Williams filed a Complaint in the Supreme Court of the State of New York, County of Kings, styled Marcia A. Williams v. Costco Wholesale Corporation, Index Number 501131/2017 (“the State Court Action”). A copy of the Summons and Complaint is attached as **Exhibit A** hereto.

2. Plaintiff is a resident and domiciliary of New York State and no other jurisdiction for the purposes of 28 U.S.C. § 1332.

3. Costco Wholesale Corporation (“Costco Wholesale”) is a corporation

incorporated in Washington State, which maintains its principal place of business in Washington State. Costco Wholesale is not a citizen of any other state or other jurisdiction for the purposes of 28 U.S.C. § 1332.

4. Costco Wholesale was served with the Summons and Complaint in this matter on February 13, 2017.

5. The Complaint alleges that the negligence of Costco Wholesale caused Plaintiff personal injuries.

6. The Complaint further alleges that the monetary relief demanded by Plaintiff in this suit is “in an amount exceeding the jurisdictional limits of all lower Courts”. The jurisdictional threshold of the lower courts is \$25,000.00.

7. On March 10, 2017, Costco Wholesale served on Plaintiff a Notice to Admit pursuant to CPLR § 3123. A copy of Costco Wholesale’s Notice to Admit is attached as **Exhibit B** hereto.

8. On April 13, 2017, Plaintiff responded to Costco Wholesale’s Notice to Admit by serving on Costco Wholesale correspondence demanding monetary damages “which will exceed \$75,000.00” in compensation for Plaintiff’s injuries. A copy of Plaintiff’s April 13, 2017 correspondence is attached as **Exhibit C** hereto.

9. Prior to April 13, 2017, Plaintiff had not at any point alleged damages of any specific amount.

DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332(a)

10. This Court has jurisdiction over this matter under 28 U.S.C. § 1332(a) because

there is complete diversity of citizenship between Plaintiff and Costco Wholesale, and because more than \$75,000.00, exclusive of interest and costs, is at stake.

11. Plaintiff in the Complaint alleges that she is a resident of the State of New York and that her primary residence is 585 East 16th Street, Brooklyn, New York.

12. Costco Wholesale is not a citizen of New York because it is a corporation incorporated in Washington State, which maintains its principal place of business in Washington State. A copy of the New York State, Department of State, Division of Corporations, Entity Information for Costco Wholesale is attached hereto as **Exhibit D**. A copy of the Washington State, Secretary of State, Division of Corporations, Registration Detail for Costco Wholesale is attached hereto as **Exhibit E**. Therefore, there is complete diversity between Plaintiff and Costco Wholesale in this action.

13. Plaintiff in this action has asserted that she will demand damages in excess \$75,000.00, and as such, in excess of \$75,000.00 is in controversy and the jurisdictional threshold under 28 U.S.C. § 1332(a) is satisfied.

ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

14. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all of the process, pleadings, orders, and documents from the State Court Action which have been served upon Costco Wholesale are being filed with this Notice of Removal. Costco Wholesale will file true and legible copies of all other documents on file in the State Court Action, as well as a certification pursuant to 28 U.S.C. § 1446(d), promptly upon the filing of this Notice of Removal.

15. This Notice of Removal has been filed within 30 days of April 13, 2017, the date that Costco Wholesale was served with Plaintiff's correspondence placing in excess of \$75,000.00 in controversy. Removal is therefore timely in accordance with 28 U.S.C. § 1446(b)(3).

16. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446(a) because the U.S. District Court of the Eastern District of New York is the federal judicial district embracing the Supreme Court of the State of New York, County of Kings, where the State Court Action was originally filed.

CONCLUSION

17. By this Notice of Removal, Costco Wholesale Corporation does not waive any objections they may have as to service, jurisdiction, or venue, or any other defenses or objections it may have to this action. Costco Wholesale Corporation intends no admission of fact, law, or liability by this Notice, and expressly reserves all defenses, motions, and/or pleas.

COSTCO WHOLESALE CORPORATION hereby reserves the right to amend this statement upon further review with counsel as to its relationship with other COSTCO companies.

Dated: New York, New York
April 13, 2017



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*Attorneys for Defendant Costco Wholesale
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CERTIFICATE OF SERVICE

This is to certify that the foregoing NOTICE OF REMOVAL, with exhibits, was sent via United States mail on the 13th day of April, 2017, postage prepaid therein to:

RUBENSTEIN & RYNECKI, ESQS.
Attention: Scott Rynecki, Esq.
Attorneys for Plaintiff Marcia A. Williams
16 Court Street, Suite 1717
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Attorneys for Plaintiff Marcia A. Williams